

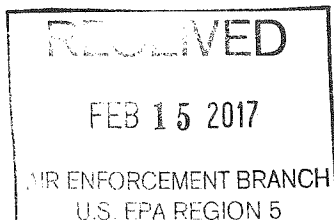


RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING

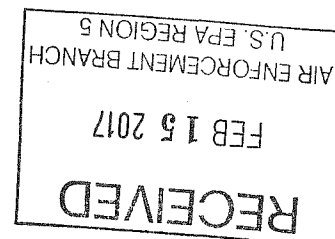


C. HEIDI GRETHOR  
DIRECTOR



February 7, 2017

Mr. Robert A. Kaplan, Acting Regional Administrator  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (R-19J)  
Chicago, Illinois 60604-3507



Dear Mr. Kaplan:

SUBJECT: Michigan State Implementation Plan (SIP) Submittal for Revisions to  
Part 9 Rules

Pursuant to Section 110 of the federal Clean Air Act (CAA) and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the Michigan Department of Environmental Quality (MDEQ) is submitting the following revisions to "Part 9. Emission Limitations and Prohibitions – Miscellaneous" for review by the United States Environmental Protection Agency (USEPA):

- R 336.1902(2) and R 336.1902(4) to R 336.1902(9) Adoption of standards by reference.
- R 336.1916 Affirmative defense for excess emissions during start-up or shutdown for violations of R 336.1224 to R 336.1228 and R 336.1901.
- R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

The MDEQ requests that R 336.1902(2), R 336.1902(4) to R 336.1902(9), and R 336.1930, as amended, be approved for inclusion in the Michigan SIP. R 336.1902(2) and R 336.1902(4) to R 336.1902(9) contain adoption of standards by reference that are currently in other Michigan SIP rules. These standards were moved into R 336.1902 for clarity. Inclusion of this revised rule into the SIP will maintain consistency between Michigan Air Pollution Control Rules and the SIP. The revision to R 336.1930 replaces obsolete requirement dates with general requirement dates and removes applicability to areas of the state that no longer contain ferrous cupola sources.

The MDEQ also requests that R 336.1916 be removed from the SIP. The SIP version of the rule is revised to comply with the Startup, Shutdown and Malfunction SIP Call. We request that the USEPA make a finding of full compliance with the Startup, Shutdown and Malfunction SIP Call upon removal of R 336.1916 from the Michigan SIP.

The enclosed SIP revision includes the CAA Section 110(l) analysis along with a copy of the updated versions of these rules. An opportunity for public comment and hearing

Mr. Robert A. Kaplan  
Page 2  
February 7, 2017

was provided for these SIP revisions. An exact duplicate of this document is transmitted via email for your convenience.

We request that the USEPA approve this SIP revision. Questions on this submittal may be directed to Ms. Mary Maupin, SIP Unit Supervisor, Air Quality Division, at 517-284-6755; maupinm@michigan.gov; or MDEQ, P.O. Box 30260, Lansing, Michigan 48909-7760; or you may contact me.

Sincerely,



C. Heidi Grether  
Director  
517-284-6700

Enclosure

cc/enc: Mr. Christos Panos, USEPA, Region 5  
Ms. Mary Portanova, USEPA, Region 5  
Mr. Robert Wagner, Environment Deputy Director, MDEQ  
Ms. Lynn Fiedler, MDEQ  
Ms. Mary Maupin, MDEQ  
Ms. Erica Wolf, MDEQ



C. Heidi Grether  
Director

**PROPOSED REVISIONS TO THE  
STATE OF MICHIGAN  
STATE IMPLEMENTATION PLAN**

**for**

**PART 9. EMISSION LIMITATIONS AND  
PROHIBITIONS – MISCELLANEOUS**

**R 336.1902(2), R 336.1902(4) to R 336.1902(9),  
R 336.1916, and R 336.1930**

**February 2017**

Prepared by:

Michigan Department of Environmental Quality  
Air Quality Division  
P.O. Box 30260  
Lansing, MI 48909-7760

INTERNET: <http://www.michigan.gov/deqair>

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### ATTACHMENTS:

Attachment A	Delegation of authority from Governor to MDEQ Director
Attachment B	Michigan Secretary of State's notice of filing administrative rules Final form of adopted rules R 336.1902(2), R 336.1902(4) to R 336.1902(9), R 336.1916, and R 336.1930
Attachment C	Markup of changes to R 336.1930
Attachment D	Excerpt from MDEQ Environmental Calendar notice of public comment period and public hearing for SIP changes
	Public hearing opening statement
	Public comment and response to comment by MDEQ
	Affidavits of Publication from the Lansing State Journal, the Mining Journal, and the Oakland Press

# **Proposed Revisions to the State of Michigan State Implementation Plan for Part 9. Emission Limitations and Prohibitions – Miscellaneous**

## **Introduction**

The State of Michigan, through the Michigan Department of Environmental Quality (MDEQ), is requesting a revision to the Michigan State Implementation Plan (SIP) for R 336.1902(2), R 336.1902(4) to R 336.1902(9), R 336.1916, and R 336.1930, as new versions of these rules were recently promulgated. Through this SIP revision, the MDEQ will maintain consistency between rules contained in the SIP and those in the Michigan Air Pollution Control Rules.

On June 12, 2015, the United States Environmental Protection Agency (USEPA) issued a Startup, Shutdown and Malfunction (SSM) SIP Call (80 FR 33840). The SIP Call required, among other things, removal of affirmative defense provisions during SSM events from the SIP. The SIP Call also stated that the affirmative defense provisions in Michigan's R 336.1916 must be removed from the SIP. In response to the SIP Call, the MDEQ promulgated a new version of R 336.1916, which allows affirmative defenses only for specific state regulations. To fully comply with the SSM SIP Call, the MDEQ is requesting removal of R 336.1916 from the SIP and will not add the recently promulgated version of this rule to the SIP.

This submittal demonstrates compliance with the requirements of Title 40 of the Code of Federal Regulations (CFR), Section 51, Appendix V, and includes the technical support required to satisfy the federal Clean Air Act (CAA) Section 110(l) anti-backsliding requirements.

## **Technical Support and Section 110(l) Analysis**

The USEPA requires SIP revisions to include a technical analysis that identifies all regulated pollutants affected by those revisions, the locations of affected sources, whether the area is designated attainment or nonattainment, the status of the attainment plan for the affected areas, and any quantification of changes to allowable emissions from the affected sources. In addition, Section 110(l) of the CAA requires that the state must demonstrate that the revision to the SIP will not interfere with any applicable requirement concerning attainment and reasonable further progress. The following will show compliance with these requirements.

### *Technical Analysis*

R 336.1902(2) and R 336.1902(4) to R 336.1902(9) apply to all sources throughout the state for all regulated pollutants and do not affect allowable emissions from sources. R 336.1916 applies to all sources throughout the state for all regulated pollutants. The revision to R 336.1916 allows for an affirmative

defense for excess emissions during start-up or shutdown for certain toxic air pollutants and in the case of nuisance. R 336.1916 by itself does not affect emission limits. R 336.1930 applies to ferrous cupola sources in Macomb, Oakland, Saginaw, and Wayne Counties for the carbon monoxide (CO) maintenance area. These areas are currently monitoring attainment for CO, as is the entire state of Michigan. The revision to R 336.1930 applies to ferrous cupola sources only within Wayne County.

### *Section 110(l) Analysis*

Revising the SIP with these rules will not increase emissions of pollutants and cannot be considered backsliding on air quality improvements as required by Section 110(l). This provision of the CAA requires that “[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress....” The following is an analysis of each rule in the SIP, the recently promulgated version of the rule, and how the change to replace or remove the rule in the SIP will comply with the CAA Section 110(l) requirement:

#### 1. R 336.1902(2) and R 336.1902(4) to R 336.1902(9)

The addition of R 336.1902(2) and R 336.1902(4) to R 336.1902(9) will not interfere with any applicable requirements concerning attainment or reasonable further progress.

The MDEQ is specifically only requesting approval of R 336.1902(2) and R 336.1902(4) to R 336.1902(9) into the SIP. These sections of R 336.1902 are new to the SIP and contain adoption by reference material that is currently located in other Michigan and SIP-approved rules. R 336.1902(2) and R 336.1902(4) to R 336.1902(9) adopt by reference guidance documents, CFR sections, and test methods that are already located in other Michigan and SIP-approved rules.

Adding these sections of R 336.1902 to the SIP will achieve consistency between the SIP and the Michigan rules. R 336.1902 was promulgated to consolidate all adoption by reference material in one location so it can be easily updated when new versions become available. The MDEQ intends to make changes to the adoption by reference citations in other Michigan and SIP-approved rules as needed as a result of this rule change.

#### 2. R 336.1916

The removal of R 336.1916 will not interfere with any applicable requirements concerning attainment or reasonable further progress.

The SIP version of R 336.1916 contains affirmative defenses for excess emissions during periods of start-up and shutdown for all Michigan and SIP-approved rules. It was approved into the SIP on February 24, 2003 (68 FR 8850). On June 12, 2015, the USEPA filed an update to the SSM policy applicable to SIPs, which clarified that "...SIP provisions cannot include exemptions from emission limitations for emissions during SSM events" (80 FR 33976), and also excludes the use of affirmative defenses for SSM events. In that publication, the USEPA issued an SSM SIP Call stating that Michigan's SIP-approved R 336.1916 is not consistent with this policy and the federal CAA; the rule must be removed from the SIP. This SIP Call does not preclude an affirmative defense for excess emissions for state-only rules, in fact "[US]EPA notes that the issues addressed in this rulemaking are specific to SSM provisions *in the SIP program*" [emphasis added] (80 FR 33841). Therefore, to comply with this SIP Call, the MDEQ has updated R 336.1916 to ensure the affirmative defense cannot apply to SIP-approved rules and requests removal of the current version from the SIP.

The revised R 336.1916 allows an affirmative defense for excess emissions during periods of startup and shutdown for specific rules not in the SIP; R 336.1224 to R 336.1228, R 336.1901, and R 336.1224 to R 336.1228 are Michigan's air toxics rules, and R 336.1901 is Michigan's nuisance rule. Once R 336.1916 is removed from the SIP, Michigan expects to be in full compliance with the SSM SIP Call. Therefore, in order to fully comply with the SSM SIP Call, Michigan requests removal of R 336.1916 from the SIP and does not seek SIP approval of the revised version of this rule.

### 3. R 336.1930

The replacement of the SIP version of R 336.1930 with the revised R 336.1930 will not interfere with any applicable requirements concerning attainment or reasonable further progress.

R 336.1930 addresses CO emissions from ferrous cupola operations. This rule was promulgated in 1995 to address CO emissions within the nonattainment areas of Macomb, Oakland, Saginaw, and Wayne Counties. Those areas were redesignated to attainment in 1999 (64 FR 35017), and currently are maintenance areas for the CO National Ambient Air Quality Standard (NAAQS).

The revised R 336.1930 removes an obsolete compliance date, removes counties that no longer have ferrous cupola operations, clarifies that 40 CFR Part 60, Appendix A, reference test method 10 must be used to determine CO emission rates for rule compliance, and clarifies that this test method is adopted by reference in R 336.1902. Clarifying that reference test method 10 must be used to determine CO emissions and its adoption by reference in R 336.1902 are clerical changes that will not affect attainment or reasonable further progress.

The revised version of R 336.1930 also replaces the obsolete compliance date with a general compliance requirement. Subrule (3) in the SIP version gave sources six months to submit a compliance plan. The revised version requires immediate compliance, which is stricter than the SIP version. Subrule (4) in the SIP version described the compliance plan required in subrule (3). Subrule (4) was removed in the revised version because the details of a compliance plan are not necessary if a compliance plan is not required due to the new immediate compliance requirement. R 336.1930 with an immediate compliance requirement is stricter than the SIP version and, if approved into the SIP, will not affect attainment or reasonable further progress.

Table 91 in R 336.1930 lists the geographic areas in the state subject to the rule. The revised version removes Oakland, Macomb, and Saginaw Counties from the requirements of this rule. These counties no longer contain any ferrous cupola sources; Wayne County is now the sole county, subject to the CO maintenance plan, with this type of source. Any new source that may be sited in Michigan would have to meet the USEPA-approved New Source Review (NSR) permitting requirements (R 336.1201 to R 336.1209), which would ensure that the CO NAAQS would not be exceeded in Macomb, Oakland, and Saginaw Counties regardless of their exclusion from R 336.1930.

Current CO emissions are low in the three counties that are excluded in the new version of R 336.1930 compared to Wayne County, the CO maintenance area, and the state of Michigan in general. Table 1 shows the CO emissions from all source categories in these areas based on the 2011 National Emissions Inventory (NEI), the most current emissions inventory to date.

Table 1. Michigan's CO Emissions as Reported in the 2011 NEI

	State of Michigan Total	CO Maintenance Area Total	Wayne County	Macomb, Oakland, and Saginaw Counties Combined
CO Emissions (tons per year)	2,182,070	39,400	36,353	3,047

Charts 1 and 2 demonstrate the magnitude of difference in CO emissions from Macomb, Oakland, and Saginaw Counties combined compared to the entire state of Michigan and the CO maintenance area. Chart 2 shows the CO emissions for the CO maintenance area, Wayne County, and the three counties being removed from R 336.1930. This chart magnifies the small volume of CO emissions currently being emitted in Macomb, Oakland, and Saginaw Counties.



Chart 1. Emissions of CO in Macomb, Oakland, and Saginaw Counties  
Compared to Statewide Emissions  
(from 2011 NEI)

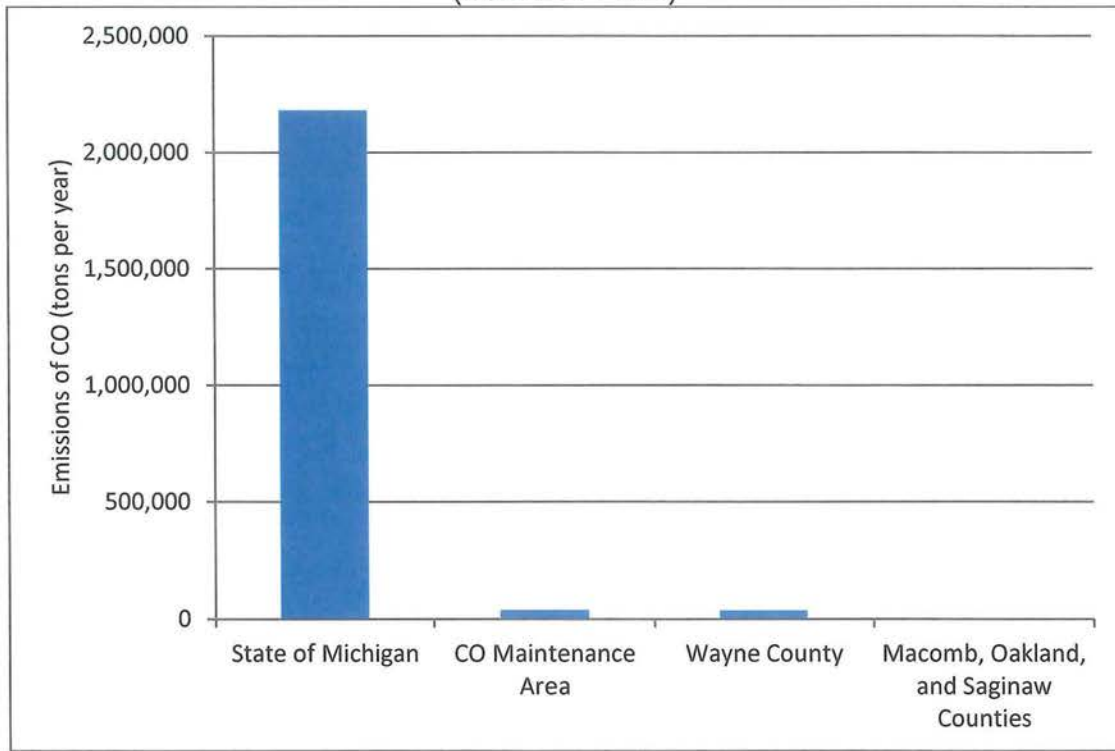
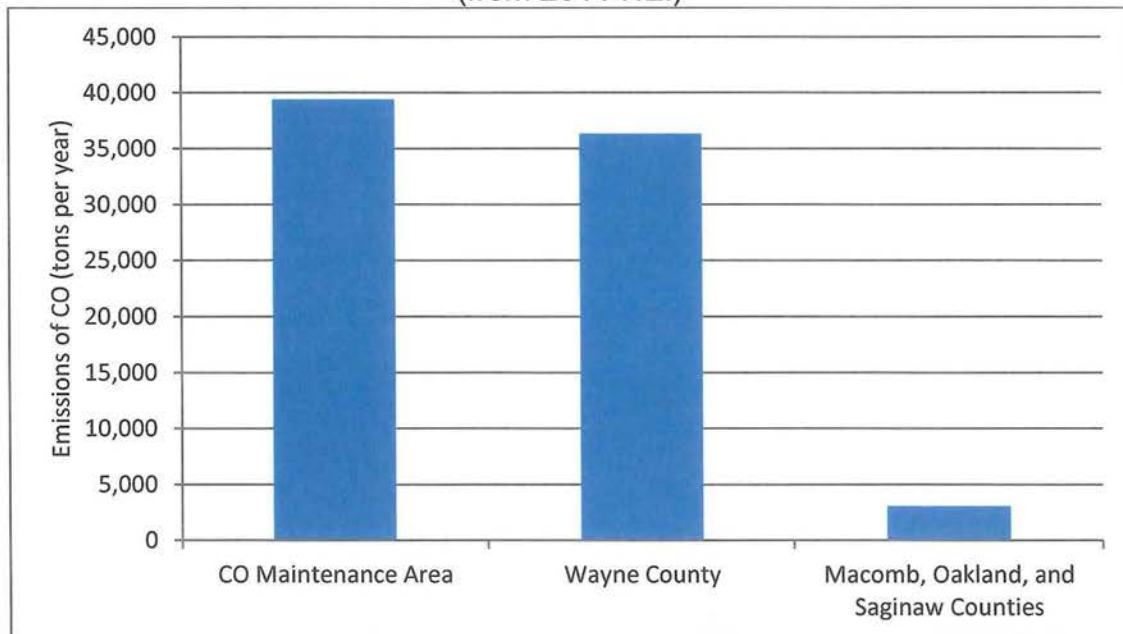


Chart 2. Emissions of CO in Macomb, Oakland, and Saginaw Counties  
Compared to Wayne County and CO Maintenance Area  
(from 2011 NEI)



Even though Wayne County shows larger emissions of CO, the air quality monitors within Wayne County and around the state are currently monitoring attainment for the CO NAAQS. Ambient monitoring data that has been quality assured and submitted to the Air Quality Subsystem confirms that Michigan continues to meet the CO NAAQS (Tables 2 and 3) with values far below the 1-hour level of 35 parts per million (ppm) and the 8-hour level of 9 ppm (Charts 3 and 4).

Table 2. Michigan's 2015 Maximum CO Monitored Levels (ppm)

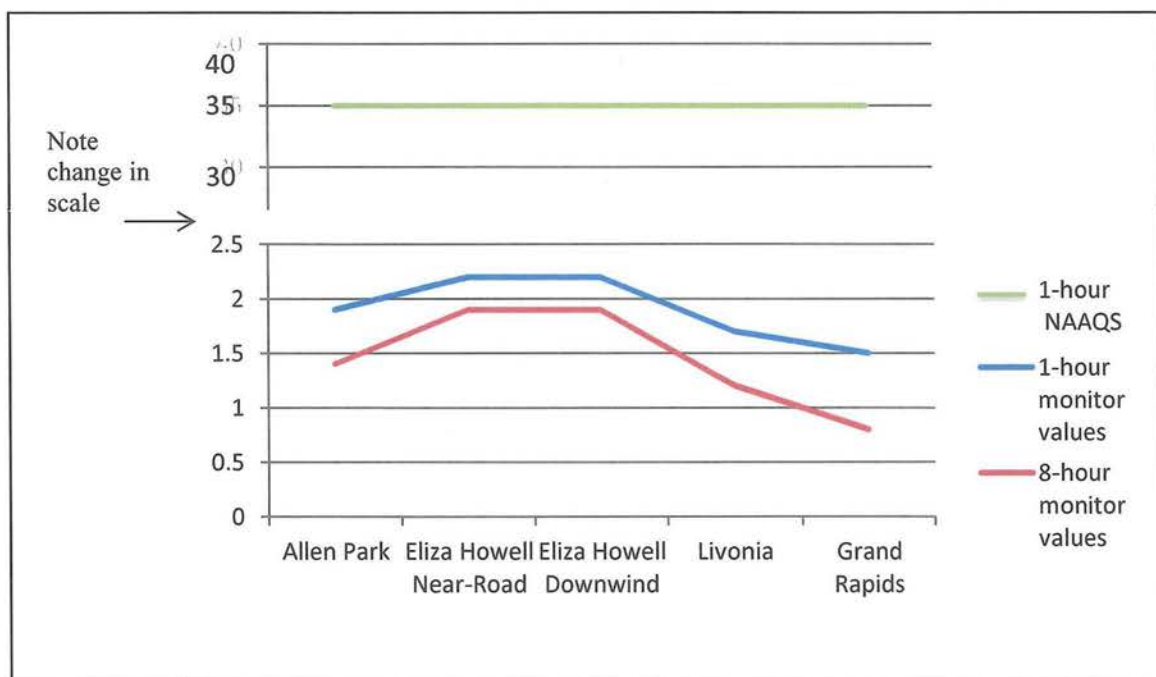
Monitoring Sites	Allen Park 261630001	Eliza Howell Near-Road 261630093	Eliza Howell Downwind 261630094	Livonia 261630095	Grand Rapids 260810020
Maximum 1-hour value	1.9	2.3	2.5	1.4	1.3
Maximum 8-hour value	1.2	2.2	2.2	1.3	1.2

Table 3. Michigan's 2016 Maximum CO Monitored Levels\* (ppm)

Monitoring Sites	Allen Park 261630001	Eliza Howell Near-Road 261630093	Eliza Howell Downwind 261630094	Livonia 261630095	Grand Rapids 260810020
Maximum 1-hour value	1.9	2.2	2.2	1.7	1.5
Maximum 8-hour value	1.4	1.9	1.9	1.2	0.8

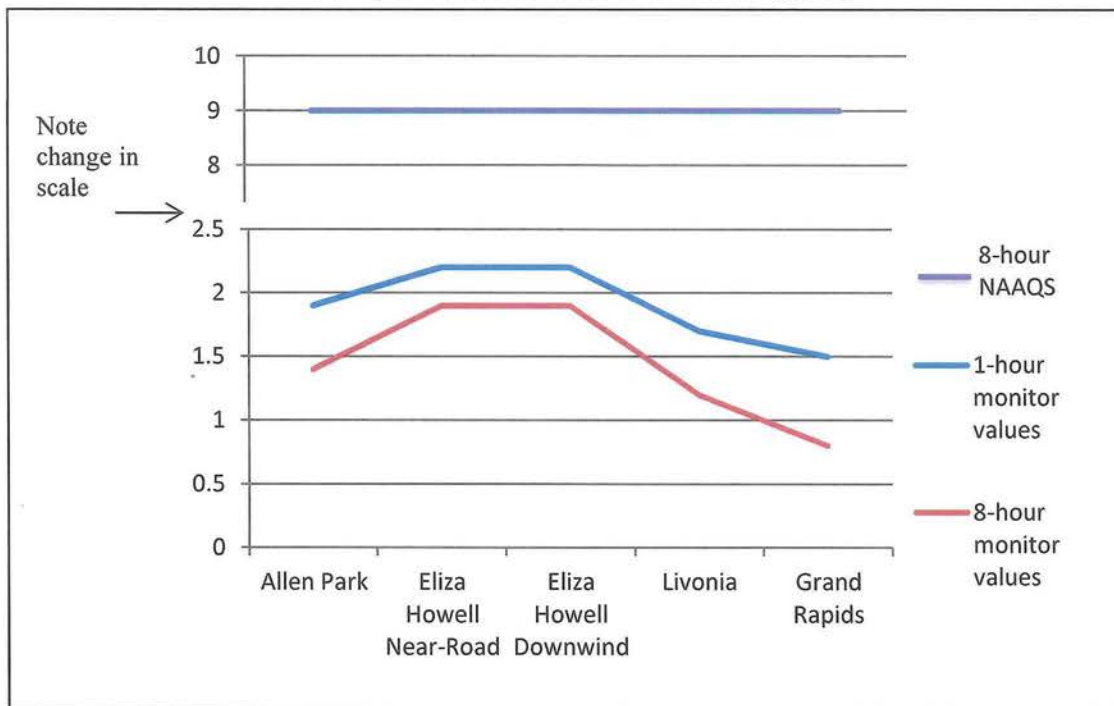
\*not yet certified

Chart 3. Michigan's 2016 Monitored CO Values\*  
Compared to the 1-hour NAAQS (ppm)



\*not yet certified

Chart 4. Michigan's 2016 Monitored CO Values\*  
Compared to the 8-hour NAAQS (ppm)



\*not yet certified

Based on the facts that Michigan is monitoring attainment for the CO NAAQS, emissions of CO are extremely low in Macomb, Oakland, and Saginaw Counties compared to Wayne County; there are no ferrous copula sources located within Macomb, Oakland, and Saginaw Counties; and any new ferrous copula source locating in one of these counties would be subject to new source permitting requirements. Removal of these counties from R 336.1930 will not affect attainment or reasonable further progress.

#### **40 CFR Part 51 Requirements**

The requirements of 40 CFR Part 51, Appendix V, for a revision to the SIP and the fulfillment of them by the MDEQ are as follows:

1. *A formal letter of submittal from the governor or designee requesting the USEPA approval of the revision.*

A letter dated January 6, 2016, from Governor Rick Snyder to the USEPA, Region 5, delegates authority to the MDEQ Director to make any submittal, request, or application under the federal CAA. The letter is included in Attachment A and in combination with the cover letter that will accompany this submittal to the USEPA will satisfy requirement 1.

2. *Evidence that the state has adopted the revision in the state code or body of regulations. That evidence should include the date of adoption or final issuance as well as the effective date of the revision if different from the adoption/issuance date.*

Michigan's Secretary of State's Notice of Filing Administrative Rules for Part 9. Emission Limitations and Prohibitions – Miscellaneous is included in Attachment B and satisfies requirement 2.

3. *Evidence that the state has the necessary legal authority under state law to adopt and implement the revision.*

Section 5512 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, gives the MDEQ authority to promulgate the revised rules. A copy has been submitted to the USEPA through previous SIP submittals and is available upon request or at <http://legislature.mi.gov/doc.aspx?mcl-324-5512>. This document satisfies requirement 3.

4. *A copy of the actual regulation or document submitted for approval and incorporation by reference into the SIP, including indication of the changes made to the existing approved SIP, where applicable. The submittal should be a copy of the official state regulation/document signed, stamped, and dated by the appropriate state official indicating that it is fully enforceable by the state. The effective date of the regulation/document should, whenever possible, be indicated in the document itself.*

The markup version of changes to R 336.1930 is included in Attachment C. The new rule to the SIP, R 336.1902(2) and R 336.1902(4) to R 336.1902(9) is included in Attachment B. The final forms of the adopted changes to R 336.1902(2), R 336.1902(4) to R 336.1902(9), R 336.1916, and R 336.1930 are included in Attachment B.

The rules are enforceable with the Secretary of State's Notice of Filing Administrative Rules, included in Attachment B. Changes made to the rules are included in the Section 110(l) analysis discussion above, and together, these documents satisfy requirement 4.

5. *Evidence that the state followed all of the requirements of its administrative procedures act (or equivalent) in conducting and completing the adoption/issuance of the revision.*

The Secretary of State's Notice of Filing Administrative Rules for Part 9. Emission Limitations and Prohibitions – Miscellaneous is included in Attachment B and satisfies requirement 5.

6. *Evidence that public notice was given of the proposed change consistent with procedures approved by USEPA, including date of publication of such notice.*

An excerpt of the public notice listed in the April 18, 2016, MDEQ Environmental Calendar is included in Attachment D and satisfies requirement 6.

7. *Certification that public hearings were held in accordance with the information provided in the public notice and the state's administrative procedures act (or equivalent), if applicable.*

An excerpt of the public notice listed in the April 18, 2016, MDEQ Environmental Calendar is included in Attachment D. A copy of the opening statement from the public hearing is included in Attachment D. A copy of the Secretary of State's Notice of Filing Administrative Rules for Part 9. Emission Limitations and Prohibitions – Miscellaneous is included in Attachment B. Together these documents satisfy requirement 7.

8. *Compilation of public comments and state's response thereto.*

The MDEQ received one public comment on the Part 9 rule changes. The state's response to this comment is included in Attachment D and satisfies requirement 8.

## **Conclusion**

Through this proposed revision to the State of Michigan SIP, the MDEQ has demonstrated all of the requirements of 40 CFR Part 51, Appendix V, and CAA Section 110(l) requirements are met. The MDEQ has demonstrated that the proposed SIP revision will not affect attainment or reasonable further progress. Therefore, the MDEQ requests that the 2016 versions of R 336.1902(2), R 336.1902(4) to R 336.1902(9) and R 336.1930 be approved into the Michigan SIP. The MDEQ also requests that R 336.1916 be removed from the Michigan SIP and in conjunction with the 2016 state-only applicable version of R 336.1916 that this action be acknowledged by the USEPA as full compliance by the State of Michigan with the June 12, 2015, SSM SIP Call.

# ATTACHMENT A



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
EXECUTIVE OFFICE  
LANSING

BRIAN CALLEY  
LT. GOVERNOR

January 6, 2016

Dr. Susan Hedman, Regional Administrator  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard (R-19J)  
Chicago, Illinois 60604-3507

Dear Dr. Hedman:

The federal Clean Air Act requires Michigan to submit revisions to the State Implementation Plan and the Title V Program to the U.S. Environmental Protection Agency. It also provides an opportunity for the state to request delegations and make grant applications to fund air quality programs.

I hereby delegate the Governor's authority to make any submittal, request, or application under the federal Clean Air Act to the Director of the Michigan Department of Environmental Quality (MDEQ). This delegation is effective immediately.

Sincerely,

Rick Snyder  
Governor

cc: Mr. Keith Creagh, Director, MDEQ  
Mr. Jim Sygo, Chief Deputy Director, MDEQ  
Ms. Lynn Fiedler, MDEQ

ATTACHMENT B





STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

December 20, 2016

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate  
Clerk of the House of Representatives  
Joint Committee on Administrative Rules  
State Office of Regulatory Reinvention (Administrative Rule #2015-079-EQ)  
Legislative Service Bureau (Secretary of State Filing #16-12-09)  
Department of Environmental Quality

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-079-EQ (Secretary of State Filing #16-12-09) on this date at 3:54 P.M. for the Department of Environmental Quality entitled, "Air Pollution Control, Part 9. Emission Limitations and Prohibitions - Miscellaneous".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Ruth Johnson  
Secretary of State

Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION  
AIR POLLUTION CONTROL

Filed with the Secretary of State on December 20, 2016

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by sections 5503 and 5512 of 1994 PA 451, MCL 324.5503 and 324.5512, and Executive Reorganization Order Nos. 1995-16, 2009-31, and 2011-1, MCL 324.99903, 324.99919, and 324.99921)

PART 9. EMISSION LIMITATIONS AND PROHIBITIONS – MISCELLANEOUS

R 336.1902 Adoption of standards by reference.

Rule 902. (2) The following United States Environmental Protection Agency (U.S. EPA) documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$20.00 each. A copy may also be obtained from the U.S. EPA, Office of the Science Advisor, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 or on the U.S. EPA website, [www.epa.gov](http://www.epa.gov), free of charge as of the time of adoption of these rules.

- (a) "Advances in Inhalation Gas Dosimetry for Derivation of a Reference Concentration (RfC) and Use in Risk Assessment," EPA/600/R-12/044, September 2012.
- (b) "Alternative Control Techniques Document: NOx Emissions from Cement Manufacturing," EPA-453/R-94-004, 1994.
- (c) "Benchmark Dose Technical Guidance," EPA/100/R-12/001, June 2012.
- (d) "Compilation of Air Pollution Emission Factors. Volume 1, Stationary Point and Air Sources," EPA-450/AP-425-ED, January 1995.
- (e) "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B," EPA-450/2-78-029, December 1978.
- (f) "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03/001B, March 2005.
- (g) "Protocol for Determining the Daily Volatile Compound Emission Rate of Automobile and Light-duty Truck Topcoat Operations," EPA-450/3-88-018, December 1988.
- (h) "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens," EPA/630/R-03/003F, March 2005.

(4) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from ASTM International, P.O. Box

C700, West Conshohocken, Pennsylvania 19428-2959 or on the ASTM website, [www.astm.org](http://www.astm.org), at a cost as of the time of adoption of these rules (ASTM price):

(a) Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, ASTM method D86, 2012; AQD price \$74.00/\$64.00 ASTM price.

(b) Standard Test Method for Pour Point of Petroleum Products, ASTM D97, 2015; AQD price \$54.00/\$44.00 ASTM price.

(c) Standard Test Method for Vapor Pressure of Petroleum Products, ASTM D323, 2015; AQD price \$60.00/\$50.00 ASTM price.

(d) Standard Specification for Fuel Oils, ASTM D396, 2015; AQD price \$60.00/\$50.00 ASTM price.

(e) Standard Test Method for Distillation of Cutback Asphaltic (Bituminous) Products, ASTM D402, 2008; AQD price \$62.80/\$52.80 ASTM price.

(f) Standard Specification for Aviation Gasolines, ASTM D910, 2015; AQD price \$54.00/\$44.00 ASTM price.

(g) Standard Specification for Diesel Fuel Oils, ASTM D975, 2015; AQD price \$74.00/\$64.00 ASTM price.

(h) Standard Specification for Aviation Turbine Fuels, ASTM D1655, 2015; AQD price \$60.00/\$50.00 ASTM price.

(i) Standard Specification for Gas Turbine Fuel Oils, ASTM D2880, 2015; AQD price \$54.00/\$44.00 ASTM price.

(j) Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentration in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers, ASTM D6522, 2005; AQD price \$62.80/\$52.80 ASTM price.

(k) Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, ASTM D6751, 2015; AQD price \$54.00/\$44.00 ASTM price.

(l) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), ASTM D6784, 2002; AQD price \$70.00/\$60.00 ASTM price.

(m) Standard Test Method for Distillation of Emulsified Asphalt, ASTM D6997, 2012; AQD price \$49.00/\$39.00 ASTM price.

(n) Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), ASTM D7467, 2015; AQD price \$74.00/\$64.00 ASTM price.

(o) Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM E168, 2006; AQD price \$70.00/\$60.00 ASTM price.

(p) Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM E169, 2014; AQD price \$54.00/\$44.00 ASTM price.

(q) Standard Practice for Packed Column Gas Chromatography, ASTM E260, 2011; AQD price \$60.00/\$50.00 ASTM price.

(5) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the American Association of State Highway and Transportation Officials, AASHTO Publication Order Department, P.O. Box 933538, Atlanta, Georgia, 31193-3538, or from their website

<http://www.techstreet.com/products>, at a cost as of the time of adoption of these rules (AASHTO price):

(a) Standard Method of Test for Emulsified Asphalts, AASHTO T59, 2013; AQD price \$86.00/\$76.00 AASHTO price.

(b) Standard Method of Test for Cutback Asphalt Products, AASHTO T78, 2005; AQD price \$60.00/\$50.00 AASHTO price.

(6) "TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices," 2014 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$69.95. A copy may also be obtained from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, or on the American Conference of Governmental Industrial website, [www.acgih.org](http://www.acgih.org), at a cost as of the time of adoption of these rules of \$49.95.

(7) "NIOSH Pocket Guide to Chemical Hazards," 2010, is adopted by reference in these rules. A copy on CD-ROM is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, for \$20.00 as of the time of adoption of these rules. A copy on CD-ROM may also be obtained from the Centers for Disease Control website, [www.cdc.gov/niosh/npg/](http://www.cdc.gov/niosh/npg/), for free as of the time of adoption of these rules.

(8) "American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 19.2," 1997, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$139.00. A copy may also be obtained from American Petroleum Institute, Techstreet, 3916 Ranchero Drive, Ann Arbor, MI 48108-2775, or at the American Petroleum Institute website at <http://www.techstreet.com/api/products>, at a cost as of the time of adoption of these rules of \$129.00..

(9) "OTC Model Rule for Consumer Products," 2006 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$10.00. A copy may also be obtained from the Ozone Transport Commission website, [www.otc.air.org](http://www.otc.air.org), for free as of the time of adoption of these rules.

R 336.1916 Affirmative defense for excess emissions during start-up or shutdown for violations of R 336.1224 to R 336.1228 and R 336.1901.

Rule 916. (1) The person operating a source with emissions in excess of an applicable emission limitation due to start-up or shutdown may claim an affirmative defense to an enforcement proceeding for violations of R 336.1224 to R 336.1228 and R 336.1901, excluding a judicial action seeking injunctive relief, if the person has complied with the reporting requirements of R 336.1912 and has demonstrated all of the following:

- (a) The periods of excess emissions that occurred during start-up or shutdown were short and infrequent and could not have been prevented through careful planning and design.
  - (b) The excess emissions that occurred during start-up or shutdown were not part of a recurring pattern indicative of inadequate design, operation, or maintenance.
  - (c) The excess emissions caused by a bypass (an intentional diversion of control equipment) were unavoidable to prevent loss of life, personal injury, or severe property damage.
  - (d) The facility was operated at all times in a manner consistent with good practice for minimizing emissions.
  - (e) The frequency and duration of operating in start-up or shutdown mode were minimized to the maximum extent practicable.
  - (f) All reasonably possible steps were taken to minimize the impact of the excess emissions on ambient air quality.
  - (g) All emission monitoring systems were kept in operation if at all possible.
  - (h) The actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence as provided by R 336.1912.
  - (i) Excess emissions presenting an imminent threat to human health, safety, or the environment were reported to the department as soon as possible.
  - (j) Unless otherwise specified in the facility's permit, other excess emissions were reported as provided in R 336.1912. If requested by the department, a person shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.
  - (k) Any information submitted to the department under this subrule shall be properly certified in accordance with the provisions of R 336.1912.
- (2) This affirmative defense does not apply when a single emission unit, or multiple emission units at a stationary source, causes an exceedance of the national ambient air quality standards or any applicable prevention of significant deterioration increment.
- (3) If the proximate cause of the excess emissions which occurred during routine start-up or shutdown periods was due to a malfunction, then, absent any intervening acts or superseding causes, the instances shall be treated as malfunctions in accordance with R 336.1915.
- (4) Nothing in this rule shall be construed to limit the authority of the department to seek injunctive relief or to enforce the provisions of the act and the regulations promulgated under the act.

R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

Rule 930. (1) It is unlawful for a person to operate a ferrous cupola that has a melting capacity of 20 or more tons per hour located within any area listed in Table 91, unless the ferrous cupola is equipped with an afterburner control system, or equivalent, which reduces the carbon monoxide emissions from the ferrous cupola by 90%.

(2) The emission rate of carbon monoxide from a ferrous cupola shall be determined by using 40 C.F.R. Part 60, Appendix A, reference test method 10, adopted by reference in R 336.1902, unless otherwise specified by the department.

TABLE 91  
Areas Subject to R 336.1930

County	Area
Wayne	T01S, R09E to R12E T02S, R09E to R11E T03S, R09E to R10E

ATTACHMENT C

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
AIR QUALITY DIVISION  
PART 9. EMISSION LIMITATIONS AND PROHIBITIONS—MISCELLANEOUS

R 336.1930 Emission of carbon monoxide from ferrous cupola operations.

Rule 930. (1) ~~After December 31, 1982, it~~ is unlawful for a person to operate a ferrous cupola that has a melting capacity of 20 or more tons per hour located within any area listed in table 91, unless the ferrous cupola is equipped with an afterburner control system, or equivalent, which reduces the carbon monoxide emissions from the ferrous cupola by 90%.

(2) The emission rate of carbon monoxide from a ferrous cupola shall be determined by using 40 C.F.R. Part 60, Appendix A, reference test method 10, adopted by reference in R 336.1902, unless otherwise specified by the department.

~~(3) A person responsible for the operation of a ferrous cupola subject to the provisions of this rule shall submit to the commission, within 6 months after the effective date of this rule, a written program, acceptable to the commission, for compliance with this rule or evidence of compliance with this rule. The evidence shall include available data, control equipment specifications, or other information that demonstrates compliance. The required control program shall demonstrate that compliance will be achieved as expeditiously as practical.~~

~~(4) The program required by subrule (3) of this rule shall include the method by which compliance with this rule will be achieved, a complete description of new equipment to be installed, modifications to existing equipment to be made, and a timetable that specifies, at a minimum, all of the following dates: (a) The date equipment will be ordered.~~

~~(b) The date construction or modification of equipment will begin.~~

~~(c) The date initial start up of equipment will begin.~~

~~(d) The date final compliance will be achieved, if not the same as the date specified in subdivision (c) of this subrule.~~

TABLE 91  
Areas Subject to R 336.1930

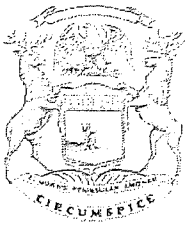
County	Area
Saginaw	T12N, R4E, Sections 1, 12, 13, and 24; T12N, R5E, Sections 4, 9, and 16-21
Macomb, Oakland, and Wayne	T01S, R09E to R12E T02S, R09E to R11E T03S, R09E to R11E Area included within the following (counter-clockwise): Lake St. Clair to 14 Mile Road to Kelly Road north to 15 Mile Road to Hayes Road south to 14 Mile Road to Clawson city boundary; following north Clawson city boundary to north Royal Oak city boundary to 13 Mile Road to Evergreen Road to southern Beverly Hills city boundary to southern Bingham Farms city boundary to southern Franklin city boundary to Inkster Road to 8 Mile Road to western Livonia



	city boundary to western Westland city boundary to western Wayne city boundary to western and to southern Romulus city boundary including Pennsylvania Road extended to Detroit River.
--	---

History: 1979 ACS 1, Eff. Jan. 19, 1980; 2002 MR 5, Eff. Mar. 19, 2002; Eff. December 20, 2016.

ATTACHMENT D



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
PO BOX 30473  
LANSING MI 48909-7973

## ENVIRONMENTAL CALENDAR

*April 18, 2016*


♦ ENVIRONMENTAL  
ASSISTANCE CENTER  
800-662-9278  
E-mail: [deq-assist@michigan.gov](mailto:deq-assist@michigan.gov)

The DEQ Environmental Assistance Center (EAC) is available to provide direct access to environmental programs, answers to environmental questions, referrals to technical staff, and quick response. Questions on any items listed in the calendar can be referred to the EAC.

♦ PUBLICATION SCHEDULE

The calendar is published every two weeks, on alternate Mondays, by the Michigan Department of Environmental Quality. We welcome your comments.

♦ CALENDAR LISTSERV

Stay on top of the latest news from the DEQ.  Visit us at [www.michigan.gov/deq](http://www.michigan.gov/deq) and click on the red envelope to sign up for e-mail updates.



Follow us on Twitter at [www.twitter.com/michiganDEQ](http://www.twitter.com/michiganDEQ)

♦ INTERNET ACCESS  
[www.michigan.gov/  
envcalendar](http://www.michigan.gov/envcalendar)

The calendar is available on the DEQ Web site in pdf format. Access the calendar at [www.michigan.gov/envcalendar](http://www.michigan.gov/envcalendar).

♦ TIMETABLE FOR  
DECISIONS

No decision listed in the DEQ Calendar will be made prior to seven days after the initial Calendar publication date.

♦ CONTENTS

PART I:	ENVIRONMENTAL ISSUES, PERMITTING, AND RELATED REGULATIONS	
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	*Proposed Settlements of Contested Cases	3
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## Administrative Rules Promulgation

### AIR QUALITY DIVISION

PART 55, AIR POLLUTION CONTROL, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED. The Air Quality Division is holding a public comment period until May 2, 2016, and also a public hearing will be held on May 2, 2016, on proposed revisions to the Air Pollution Control Rules (ORR 2015-079 EQ). The proposed revisions to Part 9, Emission Limitations And Prohibitions – Miscellaneous, R 336.1902, R 336.1916, R 336.1930 and R 336.1973, will update material adopted by reference in R 336.1902, update R 336.1916 to comply with a United States Environmental Protection Agency State Implementation Plan Call, update R 336.1930 to correct a citation to a test method, and add R 336.1973 as a new rule for large municipal waste combustors. The comment period and public hearing will address requirements contained in the Administrative Procedures Act and revisions to Michigan's State Implementation Plan under the federal Clean Air Act. The public hearing will be held on May 2, 2016, at 1:30 p.m. in the William Ford Conference Room, Constitution Hall, 525 West Allegan Street, 2<sup>nd</sup> Floor, South Tower, Lansing, Michigan 48909. The proposed rules can be viewed on the Internet at [www.deq.state.mi.us/aps/downloads/SIP/AQD-SIP.shtml](http://www.deq.state.mi.us/aps/downloads/SIP/AQD-SIP.shtml). Copies of the proposed rules may also be obtained by contacting the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760. Written comments will be accepted until 5:00 p.m. on May 2, 2016, and should be mailed to the address above. Information Contact: Cari DeBruler, [debrulerc@michigan.gov](mailto:debrulerc@michigan.gov), 517-284-6740. Decision-maker: DEQ Director.

# ENVIRONMENTAL CALENDAR

April 18, 2016

acres of restored, created, or banked wetland consistent with state wetland mitigation rules. A copy of the full banking proposal is available at:

[www.michigan.gov/documents/deq/WRD\\_Draft\\_Kalamazoo\\_Banking\\_Agreement\\_518513\\_7.pdf](http://www.michigan.gov/documents/deq/WRD_Draft_Kalamazoo_Banking_Agreement_518513_7.pdf).

Written comments may be submitted to Michael Pennington, Department of Environmental Quality, Water Resources Division, P.O. Box 30458, Lansing, Michigan 48909-7958, no later than April 28, 2016. Information Contact: *Michael Pennington*, 517-282-5768 [penningtonm@michigan.gov](mailto:penningtonm@michigan.gov).

Decision-maker: *Water Resources Division Chief*.

## Public Hearings and Meetings

Note: Persons with disabilities needing accommodations for effective participation in any of the meetings noted in this Calendar should call or write the appropriate meeting information contact listed below at least a week in advance to request mobility, visual, hearing, or other assistance.

MAY 2, 2016

1:30 p.m. – PUBLIC  
HEARING

PUBLIC HEARING REGARDING PART 55, AIR POLLUTION CONTROL, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED. The Air Quality Division will be holding a public hearing on May 2, 2016, on proposed revisions to administrative rules promulgated pursuant to Part 55, of the Natural Resources and Environmental Protection Act, 1994 PA 451 on proposed revisions to the Air Pollution Control Rules (ORR 2015-079 EQ). The proposed revisions are to Part 9, Emission Limitations and Prohibitions — Miscellaneous, R 336.1902, R 336.1916, and R 336.1930, and new proposed rule R 336.1973. This public hearing will address requirements contained in the Administrative Procedures Act and revisions to Michigan's State Implementation Plan under the federal Clean Air Act. The public hearing will be held in the William Ford Conference Room, Constitution Hall, 2<sup>nd</sup> Floor, South Tower, 525 West Allegan Street, Lansing, Michigan 48909. The proposed rules can be viewed on the Internet at: [www.deq.state.mi.us/aps/downloads/SIP/AQD-SIP.shtml](http://www.deq.state.mi.us/aps/downloads/SIP/AQD-SIP.shtml). Copies of the proposed rules may also be obtained by contacting the Air Quality Division, Department of Environmental Quality, 525 West Allegan Street, P.O. Box 30260, Lansing, Michigan 48909-7760. Written comments will be accepted until 5:00 p.m. on May 2, 2016, and should be mailed to the address above. Information Contact: Cari DeBruler, [debrulerc@michigan.gov](mailto:debrulerc@michigan.gov), 517-284-6740. Decision-maker: *DEQ Director*.

Lynn Fiedler, Chief  
Air Quality Division

Department of Environmental Quality

Opening Statement  
By: Mike Jackson, Hearing Officer

May 2, 2016

Introduction

Good afternoon. My name is Mike Jackson, and I am the Supervisor of the Air Quality Division's (AQD) Administration Section at the Michigan Department of Environmental Quality. I will be serving as the Hearing Officer for this public hearing on the proposed administrative rule revisions to:

ORR 2015-079 EQ Part 9 – Emission Limitation and Prohibitions - Miscellaneous

We will also be accepting comments on the proposed submittal of these revised rules to the U.S. Environmental Protection Agency for inclusion in the Michigan State Implementation Plan (SIP).

With me are Lynn Fiedler, Chief of the AQD, who is representing the Director of the Department, Dan Wyant, as the decision-maker, and Cari DeBruler, AQD Rule Coordinator.

Hearing Agenda

First, we will begin with some background information about why we are here. Then, we will describe the purpose of the hearing and how your comments will be considered. Following that, we will outline the procedures under which we will take your comments and describe what will happen after today's hearing. Then it will be time to hear your comments. We will spend the majority of today's time listening to those comments. At the end of the hearing, we will provide a short summary and closing.

Background Information

The AQD is responsible for protecting Michigan's air resources. The law governing those responsibilities are Sections 5503 and 5512 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. We are here for a public hearing on proposed revisions to Part 9 – Emission Limitation and Prohibitions - Miscellaneous, and the proposed submittal of the revisions for inclusion in the Michigan SIP. Summaries of the proposed revisions are available on the DEQ website and copies are available at this hearing.

Purpose of Public Hearing

Mike: Now, Cari DeBruler will explain the purpose of today's hearing and how your comments will be used.

Cari: In order for rule promulgation to occur, the Department must follow the procedures set forth in the Administrative Procedures Act of 1969 and the Office of Regulatory Reinvention procedures. The purpose of today's hearing is to give anyone interested in the proposed rules an opportunity to provide information that the Department can use in making its decision.

The Notice of Public Hearing was published in the DEQ Environmental Calendar on April 18, 2016. Copies of the Notice of Public Hearing, Regulatory Impact Statement, proposed rules, and summary of the proposed rules were made available to those interested and are available today.

As you came in, you were given an opportunity to fill out an attendance card. We request that everybody fill out a card and indicate if you wish to make a comment. We will use these cards to maintain a record of people who are interested in the proposed rules and to call upon those who want to make a statement today. When all of the names have been called, we will ask if anyone else would like to make a statement.

When your name is called, please approach the table and give your statement. If you have written comments or materials that you would like to present, please hand them to Mr. Jackson as you come to the table. Before you begin your comments, please state your name and any group or association you may represent.

This hearing is being recorded and your comments will become a part of the information that the Department will consider when making its decision on the proposed rules. The public comment period for the proposed rules ends on May 2, 2016 at 5:00 p.m. Any and all comments received will be considered when the Department makes its decision.

Following the public hearing, we will review all of the comments and prepare an Agency Report, which includes the response to comments. The Agency Report will be available on the Department's website or by contacting the AQD office. The proposed rules and the Agency Report will be submitted to the State Office of Regulatory Reinvention and the Joint Committee on Administrative Rules. Once approved, the rules will be filed with the Secretary of State and become effective immediately.

Mike: Thank you Cari. I will now begin calling the names of those who have indicated that they would like to make a statement.

### Closing Statement

Thank you for your comments and cooperation. We appreciate that you have shown an interest in this proposed rule revisions by taking the time to be here today.

As previously mentioned, the public comment period ends on today at 5:00pm.

If you have any questions regarding the proposed rules, AQD staff will be available immediately following this hearing to answer them.

The hearing is now closed. Thank you again.

(NOTE: If no one present hearing may be closed at 1 hour mark.)

Part 9 Rule Package 2015-079EQ Public Comment and Response  
May, 2016

1. Summary of Public Comment Relevant to Rule Package

One comment letter was received and is summarized below.

**Comment:** The Michigan Manufacturers Association commented that the proposed changes to R 336.1916 were based on the United States Environmental Protection Agency (USEPA) State Implementation Plan (SIP) Call and asks that the Michigan Department of Environmental Quality (MDEQ) commit to reversing the rule change if the SIP Call is invalidated.

**AQD Response:** As stated in the Request for Rulemaking and Regulatory Impact Statement for this rule package, the proposed change to R 336.1916 is based on the SIP Call issued by USEPA (80 FR 33840). This SIP Call found that R 336.1916 was substantially inadequate to meet federal Clean Air Act requirements and required a change to that rule. The proposed revision to R 336.1916 in this rule package and removal of the current version from the Michigan SIP will allow Michigan to fully comply with this SIP Call. Any future rulemakings that may arise out of the litigation on this SIP Call cannot be presumed at this time.



AFFIDAVIT OF PUBLICATION  
LSJ MEDIA  
120 East Lenawee, Lansing 48919  
State of Michigan, County of Ingham

IN THE MATTER OF: NOTICE-LSJ-1233129

MI DEPT DEQ-AIR QUALITY DIV

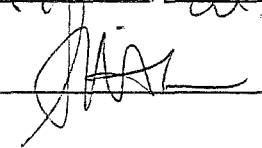
Being duly sworn, says that he/she is authorized by the publisher of Lansing State Journal, to swear that a certain notice, a copy of which is annexed here to, was published in the following publication:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

Lansing State Journal, 3/31/2016

  
MATTHEW RINKER

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th  
DAY OF April 2016

  
SHELLI ADAMS, NOTARY PUBLIC, STATE OF  
MICHIGAN, COUNTY OF IONIA, MY COMMISSION  
EXPIRES MARCH, 12TH, 2022, ACTING IN THE County  
of Ingham

0001233129-01, L26241

LSJ Legals::

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
Air Quality Division

NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period and public hearing on proposed administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The rules are identified as R 336.1902, R 336.1916, R 336.1930 and R 336.1973. The comment period and hearing will address requirements contained in the state administrative rules and revisions to Michigan's State Implementation Plan (SIP) under the federal Clean Air Act. The purpose of these revisions is to update material adopted by reference in R 336.1902, to update R 336.1916 to comply with a United States Environmental Protection Agency SIP Call, to update R 336.1930 to correct a citation to a test method, and to add R 336.1973 as a new rule for large municipal waste combustors.

The public hearing will be held on May 2, 2016, at 1:30 p.m., in the William Ford Conference Room, Constitution Hall, 525 West Allegan Street, 2nd Floor, South Tower, Lansing, Michigan. If there are no participants or if all those who are present have been afforded the opportunity to speak, the hearing will close at 2:30 p.m.

Copies of the proposed rules (ORR 2015-079 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting:

MDEQ, AQD  
P.O. Box 30260  
Lansing, Michigan 48909-7760  
Phone: 517-284-6740  
Fax: 517-241-7499  
E-Mail: [debruierc@michigan.gov](mailto:debruierc@michigan.gov)

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by May 2, 2016.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242, and federal regulations for the SIP. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

Lynn Fiedler, Chief  
Air Quality Division

LSJ- 1233129

3/31/16

# The Mining Journal

Upper Michigan's Largest Daily Newspaper

249 W. Washington St., P.O. Box 430, Marquette, Michigan 49855. Phone (906)228-2500. Fax (906)228-3273.

## AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

## AFFIDAVIT OF PUBLICATION

For the County of MARQUETTE

In the matter of: Notice of Public Hearing  
Michigan Department of Environmental Quality  
Air Quality Division  
Air Pollution Control

Cost: \$108.72

State of MICHIGAN, County of Marquette ss.

**JAMES A. REEVS**

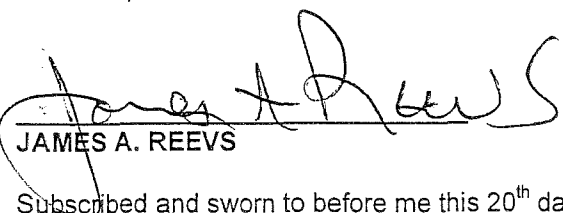
being duly sworn, says that he is

**PUBLISHER**

of THE MINING JOURNAL

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

March 31, 2016

  
**JAMES A. REEVS**

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 2016.

  
**AMY L. BOND**

Notary Public for Marquette County, Michigan  
Acting in the County of Marquette  
My commission expires: July 3, 2019

### MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY Air Quality Division

### NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period and public hearing on proposed administrative rules promulgated pursuant to

Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The rules are identified as R 336.1902, R 336.1916, R 336.1930 and R 336.1973. The comment period and hearing will address requirements contained in the state administrative rules and revisions to Michigan's State Implementation Plan (SIP) under the federal Clean Air Act. The purpose of these revisions is to update material adopted by reference in R 336.1902, to update R 336.1916 to comply with a United States Environmental Protection Agency SIP Call, to update R 336.1930 to correct a citation to a test method, and to add R 336.1973 as a new rule for large municipal waste combustors.

The public hearing will be held on May 2, 2016, at 1:30 p.m., in the William Ford Conference Room, Constitution Hall, 525 West Allegan Street, 2nd floor, South Tower, Lansing, Michigan. If there are no participants or if all those who are present have been afforded the opportunity to speak, the hearing will close at 2:30 p.m.

Copies of the proposed

rules (ORR 2015-079 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting:

MDEQ, AQD  
P.O. Box 30260  
Lansing, Michigan  
48909-7760  
Phone: 517-284-6740  
Fax: 517-241-7499  
E-Mail: [debrulerc@michigan.gov](mailto:debrulerc@michigan.gov)

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by May 2, 2016.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242, and federal regulations for the SIP. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

Lynn Fiedler, Chief  
Air Quality Division

1 time  
03-31-2016

MICHIGAN GROUP

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MI DEQ\AIR QUALITY DIVISION  
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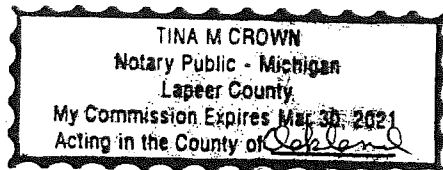
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*Tina M Crown*

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AIR QUALITY DIVISION

#### MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY Air Quality Division

##### NOTICE OF PUBLIC HEARING

The Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), will conduct a comment period and public hearing on proposed administrative rules promulgated pursuant to Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The rules are identified as R 336.1902, R 336.1916, R 336.1930 and R 336.1973. The comment period and hearing will address requirements contained in the state administrative rules and revisions to Michigan's State Implementation Plan (SIP) under the federal Clean Air Act. The purpose of these revisions is to update material adopted by reference in R 336.1902, to update R 336.1916 to comply with a United States Environmental Protection Agency SIP Call, to update R 336.1930 to correct a citation to a test method, and to add R 336.1973 as a new rule for large municipal waste combustors.

The public hearing will be held on May 2, 2016, at 1:30 p.m., in the William Ford Conference Room, Constitution Hall, 525 West Allegan Street, 2nd Floor, South Tower, Lansing, Michigan. If there are no participants or if all those who are present have been afforded the opportunity to speak, the hearing will close at 2:30 p.m.

Copies of the proposed rules (DQR 2015-079 EQ) can be downloaded from the Internet through the Office of Regulatory Reinvention at <http://www.michigan.gov/orr>. Copies of the rules may also be obtained by contacting:

MDEQ, AQD  
P.O. Box 30260  
Lansing, Michigan 48909-7760  
Phone: 517-284-6740  
Fax: 517-241-7499  
E-Mail: [debrulerc@michigan.gov](mailto:debrulerc@michigan.gov)

All interested persons are invited to attend and present his or her views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by May 2, 2016.

Persons needing accommodations for effective participation in the meeting should contact the AQD at 517-284-6740 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, Michigan Compiled Laws (MCL) 24.241 and 24.242, and federal regulations for the SIP. Promulgation of the rules is by authority conferred on the Director of the MDEQ by Section 5512 of the NREPA, MCL 324.5512. These rules will become effective immediately after filing with the Secretary of State.

Lynn Fiedler, Chief  
Air Quality Division

Published March 31, 2016

USEPA Region 5

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Office of the Regional Administrator